IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 17511 of 2007(I)
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PETITIONER:
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SYLAJA.A.,
HEADMISTRESS-IN-CHARGE,
PONNARA SREEDHAR MEMORIAL U.P.SCHOOL,
MUTTATHARA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.SURESH KUMAR

RESPONDENTS:
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1. THE CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM SOUTH.

BY GOVT.PLEADER SRI.T.T.MUHAMOOD.
SC FOR R1 - SRI.N.NANDAKUMARA MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.17511/2007)

EXT.P1: TRUE COPY OF ORDER DT. 28/3/2005 OF R2.

EXT.P2: TRUE COPY OF CERTIFICATE DT. 10/7/2006.

EXT.P3: DO. DO.

EXT.P4: DO. DT. 13/7/06.

EXT.P5: TRUE COPY OF APPROVED SENIORITY LIST DT. 12/1/2007.

**A.K. Basheer, J.**

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**W.P(C) No. 17511 of 2007**

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**Dated this the 12th day of July, 2007.**

**J U D G M E N T**

In view of the assertion made by respondent No.1 in the counter affidavit that there is no intention to induct a third party as Headmaster of the school in question, I do not deem it necessary to keep this writ petition pending on the file of this Court any more. The apprehension and anxiety of the petitioner is understandable, particularly since it is the admitted position that she has been holding the charge of Headmistress for the last more than 2 years. It is true that petitioner became qualified to hold the post of Headmistress in July 2006. But nevertheless, she was placed as Teacher-in-Charge eversince April 2005 when the vacancy arose. But still, as rightly contended by the petitioner, the management has been dragging its feet. Petitioner is being denied promotion to the coveted post for no apparent or justifiable reasons.

2. But the respondent contends that the petitioner has no indefeasible right to claim promotion to the post. It is averred in the counter affidavit that promotion to the post would be made "according to seniority and also subject to considerations of efficiency". I do not propose to go into the above contentions at this stage, particularly since the respondent has averred in the counter affidavit that the question of filling up the post of Headmaster in the school is pending consideration before the Council of the Corporation. Learned Standing Counsel submits that the Council is likely to take a decision without delay.

3. It is not desirable that any institution, especially an

educational institution, shall remain without a regular head to manage its affairs. Such a situation will not help in any way either the institution or the students. Therefor necessarily the respondent has to ensure that there is no vacuum in the pivotal post in the institution.

4. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to take a final decision in the matter of filling up the post of Headmistress in the school, strictly in accordance with the Rules governing the field. This shall be done as expeditiously as possible, at any rate within 2 months from the date of receipt of a copy of this judgment.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

**A.K. Basheer**
**Judge.**

**an.**